

REMARKS

Applicants respectfully request reconsideration of the instant application in the view of the following remarks. Claims 1-33, 39-71, and 77 are currently pending in the instant application. Claims 1, 22, 31, 39, 60, 69, 77 have been amended. Applicants submit that support for the amendments may be found throughout the specification and originally-filed claims, and that no new matter has been added.

Rejection Under 35 USC § 103

Claims 1-33, 39-71 and 77 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Herz (U.S. 6,029,195) in view of Using extremes to design products and segment markets (Dialog file 75/00184535). Applicants respectfully disagree.

Regarding claims 1, 39 and 77, the Examiner states "Herz teaches.... validating the preference information of the consumer", asserts that validating is "predicting precision of the preference information", and states "Herz estimates each user's interest in various target objects and generates for each user a customized rank-ordered listing of target objects most likely to be of interest to the user" (January 25, 2008 Office Action, page 3). Applicants respectfully disagree, and do not accept the Examiner's characterization of the validation features. Even assuming *arguendo* the limited characterization of validating proposed by the Examiner, Herz's "rank-ordered listing of target objects" is in no way equivalent to "predicting precision of the preference information". However, in order to better express and capture the current use of the technology, claims 1, 39 and 77 have each been amended. For example, amended claim 1 recites "validating the trade-off question answers-based determined preference information of the consumer". Claims 39 and 77 have been similarly amended. As noted above, Herz's "rank-ordered listing of target objects" is in no way equivalent to "predicting precision of

the preference information", and as such, is clearly not equivalent to either the "validating the trade-off question answers-based determined preference information of the consumer" feature of claim 1, or the similar features of amended claims 39 and 77.

Moreover, none of the sections of Herz cited by the Examiner disclose the Examiner's characterization of validating, let alone the "validating the trade-off question answers-based determined preference information of the consumer" feature of amended claim 1, or the similar features of amended claims 39 and 77. Furthermore, Using extremes also does not disclose "validating the trade-off question answers-based determined preference information of the consumer" or the similar features, as claimed. As such, Applicants respectfully submit that claims 1, 39, and 77 are patentable over Herz and Using extremes, taken alone or in combination, for at least the same reasons discussed above.

Further regarding claims 1, 39 and 77, the Examiner states "Herz teaches... mixing, using a computing device, based upon the validating, the preference information of the consumer with the preference information of the plurality of consumers" (January 25, 2008 Office Action, page 3). Applicants respectfully disagree, and note that Herz does not even disclose mixing, let alone mixing, using a computing device, based upon the validating, the preference information of the consumer with the preference information of the plurality of consumers. However, in order to better express and capture the current use of the technology, claims 1, 39 and 77 have each been amended. Amended claim 1 recites "mixing, using a computing device, based upon the validating of the trade-off question answers-based determined preference information, the trade-off question answers-based determined preference information of the consumer with the preference information of the plurality of consumers", a feature absent

from Herz. Claims 39 and 77 have been similarly amended, and as such, contain features absent from Herz.

Furthermore, Using extremes also does not disclose "mixing, using a computing device, based upon the validating of the trade-off question answers-based determined preference information, the trade-off question answers-based determined preference information of the consumer with the preference information of the plurality of consumers" or the similar features, as claimed. As such, Applicants respectfully submit that claims 1, 39, and 77 are patentable over Herz and Using extremes, taken alone or in combination, for at least the same reasons discussed above. Accordingly, Applicants believe the claims are in a condition that is allowable and as such are allowable, and hereby request withdrawal of the rejection/objection and request that the Examiner allow the claims.

The Examiner has also rejected claims 2-21 and 40-59. Claims 2-21 depend directly or indirectly from claim 1, and claims 40-59 depend directly or indirectly from claim 39. As such, each claim contains the "validating the trade-off question answers-based determined preference information of the consumer" and "mixing, using a computing device, based upon the validating of the trade-off question answers-based determined preference information, the trade-off question answers-based determined preference information of the consumer with the preference information of the plurality of consumers" features of claim 1 or similar features of claim 39 shown to be absent from both Herz and Using extremes, as discussed above. As such, Applicants respectfully submit that claims 2-21 and 40-59 are patentable over Herz and Using extremes, taken alone or in combination, for at least the same reasons discussed above. Accordingly, Applicants believe the claims are in a condition that is allowable and as such are

allowable, and hereby request withdrawal of the rejection/objection and request that the Examiner allow the claims.

Regarding claims 22 and 60, the Examiner states "Herz teaches.... validating the preference information", asserts that validating is "predicting precision of the preference information", and states "Herz estimates each user's interest in various target objects and generates for each user a customized rank-ordered listing of target objects most likely to be of interest to the user" (January 25, 2008 Office Action, pages 4-5). Applicants respectfully disagree, and do not accept the Examiner's characterization of the validation features. Even assuming *arguendo* the limited characterization of validating proposed by the Examiner, Herz's "rank-ordered listing of target objects" is in no way equivalent to "predicting precision of the preference information". However, in order to better express and capture the current use of the technology, claims 22 and 60 have each been amended. Amended claim 22 recites "validating the preference information determined from the answers to the trade-off questions", and amended claim 60 recites "a step to validate the preference information determined based upon the answers to the trade-off questions". As noted above, Herz's "rank-ordered listing of target objects" is in no way equivalent to "predicting precision of the preference information", and as such, is clearly not equivalent to either the "validating the preference information determined from the answers to the trade-off questions" feature of amended claims 22 or the "step to validate the preference information determined based upon the answers to the trade-off questions" feature of claim 60.

Moreover, none of the sections of Herz cited by the Examiner disclose the Examiner's characterization of validating, let alone the "validating the preference information determined from the answers to the trade-off questions" feature of amended claims 22 or the

"step to validate the preference information determined based upon the answers to the trade-off questions" feature of claim 60.

Furthermore, Using extremes also does not disclose either "validating the preference information determined from the answers to the trade-off questions" or "a step to validate the preference information determined based upon the answers to the trade-off questions", as claimed. As such, Applicants respectfully submit that claims 22 and 60 are patentable over Herz and Using extremes, taken alone or in combination, for at least the same reasons discussed above.

Further regarding claims 22 and 60, the Examiner states Herz teaches "mixing using a computing device the preference information with preference information associated with the plurality of consumers based on the validating step" (January 25, 2008 Office Action, page 5). Applicants respectfully disagree, and note that Herz does not even disclose mixing, let alone mixing using a computing device the preference information with preference information associated with the plurality of consumers based on the validating step. However, in order to better express and capture the current use of the technology, claims 22 and 60 have each been amended. Amended claim 22 recites "mixing, using a computing device, the preference information determined from the answers to the trade-off questions with preference information associated with the plurality of consumers based on the validating step", a feature absent from Herz. Amended claim 60 recites "a step to mix the preference information determined based upon the answers to the trade-off questions with preference information associated with a plurality of consumers based on the validating step", a feature absent from Herz.

Furthermore, Using extremes also does not disclose either "mixing, using a computing device, the preference information determined from the answers to the trade-off

questions with preference information associated with the plurality of consumers based on the validating step" or "a step to mix the preference information determined based upon the answers to the trade-off questions with preference information associated with a plurality of consumers based on the validating step", as claimed. As such, Applicants respectfully submit that claims 22 and 60 are patentable over Herz and Using extremes, taken alone or in combination, for at least the same reasons discussed above. Accordingly, Applicants believe the claims are in a condition that is allowable and as such are allowable, and hereby request withdrawal of the rejection/objection and request that the Examiner allow the claims.

The Examiner has also rejected claims 23-30 and 61-68. Claims 23-30 depend directly or indirectly from claim 22, and claims 61-68 depend directly or indirectly from claim 60. As such, claims 23-30 each contain the "validating the preference information determined from the answers to the trade-off questions" and "mixing, using a computing device, the preference information determined from the answers to the trade-off questions with preference information associated with the plurality of consumers based on the validating step" features of claim 22 shown to be absent from both Herz and Using extremes, as discussed above. Similarly, claims 61-68 each contain the "a step to validate the preference information determined based upon the answers to the trade-off questions" and "a step to mix the preference information determined based upon the answers to the trade-off questions with preference information associated with a plurality of consumers based on the validating step" features of claim 60 shown to be absent from both Herz and Using extremes, as discussed above. As such, Applicants respectfully submit that claims 23-30 and 61-68 are patentable over Herz and Using extremes, taken alone or in combination, for at least the same reasons discussed above. Accordingly, Applicants believe the claims are in a condition that is allowable and as such are allowable, and

hereby request withdrawal of the rejection/objection and request that the Examiner allow the claims.

Regarding claims 31 and 69, the Examiner asserts that Herz teaches "currency-normalizing, using a computing device, the consumer preference information" (January 25, 2008 Office Action, page 7). Applicants respectfully disagree. However, in order to better express and capture the current use of the technology, claims 31 and 69 have each been amended. Amended claim 31 recites "currency-normalizing, using a computing device, the trade-off question answer-based determined consumer preference information", a feature absent from Herz. Amended claim 69 recites "a step to currency-normalize the trade-off question answer-based determined consumer preference information", also a feature absent from Herz.

Furthermore, Using extremes also does not disclose either "currency-normalizing, using a computing device, the trade-off question answer-based determined consumer preference information" or "a step to currency-normalize the trade-off question answer-based determined consumer preference information", as claimed. As such, Applicants respectfully submit that claims 31 and 69 are patentable over Herz and Using extremes, taken alone or in combination, for at least the same reasons discussed above.

Further regarding claims 31 and 69, the Examiner states Herz teaches "mixing, using a computing device, the currency-normalized consumer preference information with the preference information of the plurality of consumers" (January 25, 2008 Office Action, page 7). Applicants respectfully disagree. However, in order to better express and capture the current use of the technology, claims 31 and 69 have each been amended to. Amended claim 31 recites "mixing, using a computing device, the currency-normalized trade-off question answer-based determined consumer preference information with the preference information of the plurality of

consumers" a feature absent from Herz. Amended claim 69 recites "a step to mix, using a computing device, the currency-normalized trade-off question answer-based determined consumer preference information with the preference information of the plurality of consumers", also a feature absent from Herz.

Furthermore, Using extremes also does not disclose either "mixing, using a computing device, the currency-normalized trade-off question answer-based determined consumer preference information with the preference information of the plurality of consumers" or "a step to mix, using a computing device, the currency-normalized trade-off question answer-based determined consumer preference information with the preference information of the plurality of consumers", as claimed. As such, Applicants respectfully submit that claims 31 and 69 are patentable over Herz and Using extremes, taken alone or in combination, for at least the same reasons discussed above. Accordingly, Applicants believe the claims are in a condition that is allowable and as such are allowable, and hereby request withdrawal of the rejection/objection and request that the Examiner allow the claims.

The Examiner has also rejected claims 32-33 and 70-71. Claims 32-33 depend directly or indirectly from claim 31, and claims 70-71 depend directly or indirectly from claim 69. As such, claims 32-33 each contain the "currency-normalizing, using a computing device, the trade-off question answer-based determined consumer preference information" and "mixing, using a computing device, the currency-normalized trade-off question answer-based determined consumer preference information with the preference information of the plurality of consumers" features of amended claim 31 shown to be absent from both Herz and Using extremes, as discussed above. Similarly, claims 70-71 each contain the "a step to currency-normalize the trade-off question answer-based determined consumer preference information" and "a step to

mix, using a computing device, the currency-normalized trade-off question answer-based determined consumer preference information with the preference information of the plurality of consumers" features of amended claim 69 shown to be absent from both Herz and Using extremes, as discussed above. As such, Applicants respectfully submit that claims 32-33 and 70-71 are patentable over Herz and Using extremes, taken alone or in combination, for at least the same reasons discussed above. Accordingly, Applicants believe the claims are in a condition that is allowable and as such are allowable, and hereby request withdrawal of the rejection/objection and request that the Examiner allow the claims.

Additionally, Applicants further reassert all other arguments made in Applicant's previous response(s).

Consequently, the reference(s) cited by the office action do not result in the claimed invention, there was/is no motivation for such a combination of references (i.e., cited references do not teach, read on, suggest, or result in the claimed invention(s)), and the claimed inventions are not admitted to be prior art. Thus, the Applicant respectfully submits that the supporting remarks and claimed inventions, claims 1-33, 39-71, 77 all: overcome all rejections and/or objections as noted in the office action, are patentable over and discriminated from the cited reference(s), and are in a condition for allowance. Furthermore, Applicant believes that the above remarks, which distinguish the claims over the cited reference(s), pertained only to noted claim element portions. These remarks are believed to be sufficient to overcome the prior art. While many other claim elements were not discussed, Applicant asserts that all such remaining and not discussed claim elements, all, also are distinguished over the prior art and reserves the opportunity to more particularly remark and distinguish such remaining claim elements at a later time should it become necessary. Further, any remarks that were made in response to an

Examiner objection and/or rejection as to any one claim element, and which may have been re-asserted as applying to another Examiner objection and/or rejection as to any other claim element(s), any such re-assertion of remarks is not meant to imply that there is commonality about the structure, functionality, means, operation, and/or scope of any of the claim elements, and no such commonality is admitted as a consequence of any such re-assertion of remarks. As such, Applicant does not concede that any claim elements have been anticipated and/or rendered obvious by any of the cited reference(s). Accordingly, Applicant respectfully requests allowance, and the reconsideration and withdrawal of the rejection(s) and/or objection(s).

If a telephone conference would facilitate prosecution of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 03-1240, Order No. B01.002.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 03-1240, Order No. 18675-002US.

Respectfully submitted,
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